

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

Carl S. Jones, Jr., Anthony Lee,)	
Charles Lantzy, Christian Stevens,)	
Courde Daye, Daelon Hill-Johnson,)	
Daniel Miles, Daymond Wiggins,)	
Devin Hale, Devon Thompson, Elijah)	Civil Action No. 21-1094
Price, Geron Anderson, Jaimone)	
Robinson, Jaque David, Jeremy)	
Carson, Jermaine Dehonney, Juan)	
Hayden, Justin Parrotte, Mario Wall,)	District Judge W. Scott Hardy
Martell Smith, Nathaniel)	Magistrate Judge Lisa Pupo Lenihan
Weatherspoon, Racoco Williams,)	
Raymond Harrison, Roman Jones,)	
Stephen Day, Thomas Morton, To-)	
Michael Sherrell, William Lynn, Zai-)	
Quan Henderson, Jermaine Rodgers,)	
)	
Plaintiffs,)	
v.)	
County of Allegheny and Warden)	
Orlando L. Harper,)	
)	
Defendants.)	
)	
)	

MEMORANDUM ORDER

This matter comes before the Court on the Report and Recommendation (“R&R”) entered by Magistrate Judge Lisa Pupo Lenihan on November 1, 2021. (Docket No. 53). As background, the case was initiated by Plaintiff Carl S. Jones, Jr. on behalf of himself and 29 other individuals who currently are, or formerly were, confined at the Allegheny County Jail (“ACJ”). The Complaint asserts claims against Defendants for unconstitutional conditions of confinement at the ACJ relative to the COVID-19 virus. (Docket No. 6).

As explained in the R&R, the Court issued an order on September 23, 2021 (Docket No. 29) notifying Plaintiffs as follows: as a non-lawyer, Plaintiff Jones only was authorized to represent his own interests in this case; and, given that Jones was the only Plaintiff to have signed the Complaint, it could not be treated as a *pro se* filing on behalf of the other 29 named Plaintiffs. (Docket No. 53 at 2). Plaintiffs were advised that Federal Rule of Civil Procedure 11 requires that the Court strike the Complaint to the extent it was filed on behalf of any other Plaintiff unless each Plaintiff signed it. (*Id.*). Accordingly, the Court mailed to each Plaintiff with a current address on file a copy of the Complaint and informed them that they had until October 25, 2021 to sign and return it. (*Id.*). The Court also notified those Plaintiffs whose address was not up to date that they had until October 25, 2021 to file a Notice of Change of Address with the Court, and, if they did so, they too would be mailed a copy of the Complaint to sign and return. (*Id.*).

As of the filing of the R&R, ten Plaintiffs had not returned a signed copy of the Complaint¹ and seven Plaintiffs had not updated their address.² (Docket No. 53 at 2-3). Consequently, the R&R recommends that the following Plaintiffs be dismissed from this case for their failure to prosecute: (1) Daymond Wiggins; (2) Devin Hale; (3) Devon Thompson; (4) Elijah Price; (5) Jeremy Carson; (6) To-Michael Sherrell; (7) Zai-Quan Henderson; (8) Jermaine Rodgers; (9) Thomas Morton; (10) Raymond Harrison; (11) Charles Lantzy; (12) Christian Stevens; (13) Jaimone Robinson; (14) Justin Parrotte, (15) Nathaniel Weatherspoon; (16) Racoco Williams; and (17) William Lynn. (*See id.* at 1, 9). Service of the R&R was made on Plaintiffs by mail, and any

¹ Those Plaintiffs are Daymond Wiggins, Devin Hale, Devon Thompson, Elijah Price, Jeremy Carson, To-Michael Sherrell, Zai-Quan Henderson, Jermaine Rodgers, Thomas Morton, and Raymond Harrison.

² Those Plaintiffs are Charles Lantzy, Christian Stevens, Jaimone Robinson, Justin Parrotte, Nathaniel Weatherspoon, Racoco Williams, and William Lynn.

objections were due by November 18, 2021. Thereafter, none of the Plaintiffs filed objections to the R&R.

The Federal Rules of Civil Procedure provide that a party may file specific written objections to the proposed findings and recommendations of a magistrate judge, and a district judge must conduct a *de novo* review of any part of the R&R that has been properly objected to. Fed. R. Civ. P. 72(b)(2), (b)(3); 28 U.S.C. § 636(b)(1). Here, however, because no party filed any objections to the R&R, this Court reviews the magistrate judge's decision for plain error. *See Tice v. Wilson*, 425 F. Supp. 2d 676, 680 (W.D. Pa. 2006); *see also* Fed. R. Civ. P. 72(b), Advisory Committee Notes ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.").

In this case, upon careful review of the R&R and the entire record, and finding no plain error on the face of the record, the Court will accept Judge Lenihan's recommendation. As such, the Court will adopt the R&R as the Opinion of the Court as more specifically set forth below, with one exception. After the R&R was filed, Plaintiff Devin Hale returned a signed copy of the Complaint on November 15, 2021. (Docket No. 61 at 11). Although Plaintiff Hale's signed Complaint was received after the October 25th deadline, he will not be dismissed from this case given that he complied with the Court's Order shortly after that deadline and well prior to the issuance of this Memorandum Order.

Accordingly, in view of the foregoing, the Court enters the following Order:

AND NOW, this 19th day of January, 2022, IT IS HEREBY ORDERED that the R&R (Docket No. 53) is ADOPTED as the Opinion of the Court (except as to Plaintiff Devin Hale as explained above).

For the reasons set forth in the R&R, IT IS FURTHER ORDERED that the following Plaintiffs are DISMISSED from this case for their failure to prosecute: (1) Daymond Wiggins; (2) Devon Thompson; (3) Elijah Price; (4) Jeremy Carson; (5) To-Michael Sherrell; (6) Zai-Quan Henderson; (7) Jermaine Rodgers; (8) Thomas Morton; (9) Raymond Harrison; (10) Charles Lantzy; (11) Christian Stevens; (12) Jaimone Robinson; (13) Justin Parrotte; (14) Nathaniel Weatherspoon; (15) Racoco Williams; and (16) William Lynn.

s/ W. Scott Hardy
W. Scott Hardy
United States District Judge

cc: Anthony Lee, 75466
Charles Lantzy
Courde Daye, 179147
Daelon Hill-Johnson, 180163
Daniel Miles, 142047
Daymond Wiggins, 105678
Devin Hale, 183220
Devon Thompson, 108669
Elijah Price, 189038
Geron Anderson, 173396
Jaimone Robinson, 181591
Jaque David, 159376
Jeremy Carson, 176566
Jermaine Dehonney, 163725
Juan Hayden, 19930
Justin Parrotte, 136007
Mario Wall, 95319
Martell Smith, 46430
Nathaniel Weatherspoon, 155557
Racoco Williams, 186486
Roman Jones, 158919
Stephen Day, 96266
To-Michael Sherrell, 178107
William Lynn, 126112
Zai-Quan Henderson, 188709
Jermaine Rodgers, 187466
William Fielder, 109922
All of the foregoing individuals (via U.S. mail) at the following:
Allegheny County Jail
950 Second Avenue
Pittsburgh, PA 15219

Carl S. Jones, Jr. (via U.S. mail)
QK9540
SCI Frackville
1111 Altamont Boulevard
Frackville, PA 17931

Christian Stevens (via U.S. mail)
08708-068
NEOCC Youngstown
2240 Hubbard Rd.
Youngstown, OH 44505

Raymond Harrison (via U.S. mail)
7323 Fleury Way
Pittsburgh, PA 15208

Thomas Morton (via U.S. mail)
QK9595
SCI Smithfield
1120 Pike Street
Huntingdon, PA 16652